

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, *et al.*,

Plaintiffs,

-against-

STEPHEN L. JOHNSON, *et al.*,

Defendants.

Case No. 1:07-cv-10632-BSJ-DCF

**NOTICE OF MOTION
TO ADMIT COUNSEL
MAUREEN D. SMITH
PRO HAC VICE**

PLEASE TAKE NOTICE that, upon the annexed declaration of movant, Andrew G.

Frank, Assistant Attorney General in the Environmental Protection Bureau of the office of Andrew M. Cuomo, Attorney General of the State of New York, in support of this motion, and upon the declaration of Maureen D. Smith, as applicant for admission *pro hac vice*, and upon the certifications of good standing of the Supreme Court of New Hampshire and the Court of Appeals of Maryland, the undersigned will move this Court before the Honorable Barbara S. Jones, United States District Judge, at the United States Courthouse for the Southern District of New York located at 500 Pearl Street, New York, NY, 10007, pursuant to Rule 1.3 (c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, for an Order allowing the admission of said Maureen D. Smith, Assistant Attorney General of the State of New Hampshire and a member in good standing of the Bars of the State of New Hampshire and of the State of Maryland, as attorney *pro hac vice* to argue or try this case in whole or in part as counsel. Movant Andrew G. Frank will act as local counsel for the applicant.

Dated: New York, New York
January 9, 2008

At G. RC

Andrew G. Frank
Assistant Attorney General
Environmental Protection Bureau
ANDREW M. CUOMO
Attorney General of the State of New York
120 Broadway, 26th Floor
New York, NY 10271
Telephone: (212) 416-8271
Facsimile: (212) 416-6007

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
STATE OF NEW YORK, *et al.*,
Plaintiffs,
-against-
STEPHEN L. JOHNSON, *et al.*,
Defendants.
-----X

Case No. 1:07-cv-10632-BSJ-DCF

**DECLARATION OF ANDREW G. FRANK IN SUPPORT OF MOTION TO
ADMIT MAUREEN D. SMITH AS COUNSEL *PRO HAC VICE***

Andrew G. Frank, being of legal age and pursuant to 28 U.S.C. § 1746, deposes and says:

1. I am an attorney duly admitted to practice in the United States District Court for the Southern District of New York. I was so admitted on February 1, 2000.

2. I am currently employed as an Assistant Attorney General of the Environmental Protection Bureau of the Office of Andrew M. Cuomo, Attorney General of the State of New York, attorney for plaintiff State of New York in this action.

3. I make this declaration in support of the motion to admit Maureen D. Smith, an attorney admitted to practice in the State of New Hampshire and in the State of Maryland, as counsel *pro hac vice* for plaintiff State of New Hampshire in this action.

4. As set forth in the annexed declaration of Maureen D. Smith and the exhibit thereto:

(i) Maureen D. Smith is a member in good standing of the Bars of the State of New Hampshire and the State of Maryland.

(ii) There are no pending disciplinary proceedings against Maureen D. Smith in any State or Federal Court.

5. I agree to act as local counsel to the applicant for admission *pro hac vice* during the pendency of this action. My address is: Andrew G. Frank, Assistant Attorney General, Environmental Protection Bureau, Office of Andrew M. Cuomo, Attorney General of the State of New York, 120 Broadway, New York, NY 10271. My telephone number is (212) 416-8271 and my fax number is (212) 416-6007. My e-mail address is andrew.frank@oag.state.ny.us.

6. The required fee of \$25.00 accompanies this motion in accordance with the Local Rules of this Court.


7. A proposed Order granting this motion is annexed hereto.

8. No previous application has been made for the relief sought in this motion.

WHEREFORE I respectfully request that Maureen D. Smith be admitted as counsel *pro hac vice* for plaintiff State of New Hampshire in this action.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
January 9, 2008



Andrew G. Frank
Assistant Attorney General
Environmental Protection Bureau
ANDREW M. CUOMO
Attorney General of the State of New York
120 Broadway, 26th Floor
New York, NY 10271
Telephone: (212) 416-8271
Facsimile: (212) 416-6007

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
STATE OF NEW YORK, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	Case No. 1:07-cv-10632-BSJ-DCF
	:	
-against-	:	
	:	
STEPHEN L. JOHNSON, <i>et al.</i> ,	:	
	:	
Defendants.	:	
-----X	:	

**DECLARATION OF MAUREEN D. SMITH
IN SUPPORT OF MOTION TO BE ADMITTED *PRO HAC VICE***

Maureen D. Smith, being of legal age and pursuant to 28 U.S.C. § 1746, deposes and says:

1. I am an attorney duly admitted to practice in the State of New Hampshire since May 27, 1988, and in the State of Maryland since June 21, 1978.
2. I am currently employed as a Assistant Attorney General in the State of New Hampshire Office of the Attorney General, where I have been continuously employed since July 1992.
3. Attached hereto as Exhibit A are a Certificate of Good Standing issued by the Supreme Court of New Hampshire, dated December 12, 2007, and a Certificate of Good Standing issued by the Court of Appeals of Maryland, dated December 10, 2007, reflecting that I am currently a member in good standing of the Bars of the State of New Hampshire and the State of Maryland.

4. There are no pending disciplinary proceedings against me in any State or Federal Court.

5. Pursuant to the accompanying motion, I hereby request permission to appear as counsel *pro hac vice* for the State of New Hampshire in this action. Andrew G. Frank, Assistant Attorney General, Environmental Protection Bureau, Office of Andrew M. Cuomo, Attorney General of the State of New York, 120 Broadway, New York, NY 10271 is and shall remain local counsel in this action.

I declare under penalty of perjury that the foregoing is true and correct.

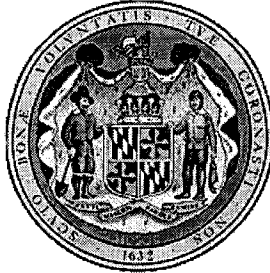
Executed on

1/8/08

Maureen D. Smith

Maureen D. Smith

**Court of Appeals
of Maryland**
Annapolis, MD



CERTIFICATE OF GOOD STANDING

STATE OF MARYLAND, ss:

*I, Alexander L. Cummings, Clerk of the Court of Appeals of Maryland,
do hereby certify that on the twenty-first day of June, 1978,*

Maureen Dorothy Smith

*having first taken and subscribed the oath prescribed by the Constitution and
Laws of this State, was admitted as an attorney of said Court, is now in good
standing, and as such is entitled to practice law in any of the Courts of said
State, subject to the Rules of Court.*

In Testimony Whereof, *I have hereunto
set my hand as Clerk, and affixed the Seal
of the Court of Appeals of Maryland, this
tenth day of December, 2007.*

A handwritten signature in cursive script, reading "Alexander L. Cummings".

Clerk of the Court of Appeals of Maryland

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
STATE OF NEW YORK, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	Case No. 1:07-cv-10632-BSJ-DCF
	:	
-against-	:	
	:	
STEPHEN L. JOHNSON, <i>et al.</i> ,	:	
	:	
Defendants.	:	
-----X		

**ORDER GRANTING MOTION TO
ADMIT MAUREEN D. SMITH AS COUNSEL *PRO HAC VICE***

UPON the motion of Andrew G. Frank made pursuant to Rule 1.3 (c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York to admit Maureen D. Smith, an attorney admitted to practice in the State of New Hampshire and in the State of Maryland, as counsel *pro hac vice* for plaintiff State of New Hampshire in this action, and the Court having considered said motion, it is hereby

ORDERED that the motion is granted and that Maureen D. Smith is hereby admitted as counsel *pro hac vice* for plaintiff State of New Hampshire in this action. Andrew G. Frank, Assistant Attorney General, Environmental Protection Bureau, Office of Andrew M. Cuomo, Attorney General of the State of New York, 120 Broadway, New York, NY 10271 is designated as local counsel.

Dated: New York, New York
this ____ day of _____, 2008.

THE HONORABLE BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK, *et al.*,

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-against-

STEPHEN L. JOHNSON, *et al.*,

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Case No. 1:07-cv-10632-BSJ-DCF

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the Motion to Admit Counsel
Maureen D. Smith *Pro Hac Vice* in this action, along with the two accompanying declarations
and the proposed order granting the motion, by United States First Class Mail this 9th day of
January, 2008 on the following attorneys:

Counsel for Defendants

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Assistant Counsel
Pennsylvania Department of Environmental
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WILLIAM H. SORRELL
ATTORNEY GENERAL OF THE STATE
OF VERMONT

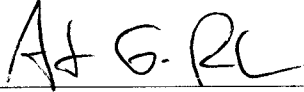
Kevin O. Leske

Assistant Attorney General

Vermont Office of Attorney General

109 State Street

Montpelier, Vermont 05609-1001

A handwritten signature in black ink, appearing to read "A. G. Frank", written over a horizontal line.

Andrew G. Frank